

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

9 ALFONSO MANUEL BLAKE,)
10 Petitioner,) 3:09-cv-00327-RCJ-WGC
11 vs.)
12 RENEE BAKER, *et al.*,)
13 Respondents.)
14 /

15 On October 16, 2014, this court entered an order soliciting a report from the parties as to the
16 current status of petitioner Blake’s efforts to exhaust state court remedies for his unexhausted claims.
17 ECF No. 120. On October 29, 2014, Blake filed a status report indicating that his state court
18 proceedings have been concluded. ECF No. 122.

19 Good cause appearing, the court shall establish a schedule for further litigation of this action.

20 **IT IS THEREFORE ORDERED** that the following schedule shall govern the further
21 litigation of this action:

22 **1. Amended Petition.** If necessary, petitioner shall file and serve a second amended
23 petition for writ of habeas corpus within **60 days after entry of this order**. The second amended
24 petition shall specifically state whether each ground for relief has been exhausted in state court and,
25 for each claim that has been exhausted in state court, the second amended petition shall state how,
26 when, and where that occurred. If petitioner determines that a second amended petition need not be

1 filed, then, within 60 days after entry of this order, petitioner shall file and serve a statement to that
2 effect.

3 **2. Response to Petition.** Respondents shall have **60 days** following service of the second
4 amended petition to file and serve an answer or other response to the second amended petition. If
5 petitioner does not file a second amended petition, respondents shall have **60 days** following the
6 due-date for the second amended petition to file and serve an answer or other response to petitioner's
7 first amended petition (ECF No. 17).

8 **3. Reply and Response to Reply.** Petitioner shall have **45 days** following service of an
9 answer by respondents to file and serve a reply. Respondents shall thereafter have **30 days** following
10 service of a reply to file and serve a response to the reply.

11 **4. Briefing of Motion to Dismiss.** If respondents file a motion to dismiss, petitioner shall
12 have **30 days** following service of the motion to file and serve an opposition to the motion.
13 Respondents shall thereafter have **30 days** following service of the opposition to
14 the motion to file and serve a reply.

15 **5. Evidentiary Hearing.** If petitioner wishes to request an evidentiary hearing, petitioner
16 shall file and serve a motion for an evidentiary hearing concurrently with, but separate from, his
17 reply to respondents' answer or his opposition to respondents' motion to dismiss. The motion for an
18 evidentiary hearing must specifically address why an evidentiary hearing is required, and must meet
19 the applicable requirements of 28 U.S.C. § 2254(e). The motion must identify whether an
20 evidentiary hearing was held in state court, and, if so, state where the transcript is located in the
21 record. If petitioner files a motion for an evidentiary hearing, respondents shall file and serve a
22 response to that motion concurrently with, but separate from, their response to petitioner's reply or
23 their reply in support of a motion to dismiss. Petitioner shall thereafter have **20 days**, following
24 service of respondents' response to the motion for an evidentiary hearing, to file and serve a reply in
25 support of that motion.

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1 **IT IS FURTHER ORDERED** that petitioner's motion for compliance (ECF No. 121) is
2 DENIED as moot.

3 DATED: May 11, 2015.


R. Jones
UNITED STATES DISTRICT JUDGE